

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ORLANDO ALVARADO,

Plaintiff,

ORDER

- against -

21 Civ. 7200 (NRB)

SAMSUNG ELECTRONICS AMERICA, INC., SAMSUNG
SDI AMERICA, INC., and ECIG WAREHOUSE, INC.
d/b/a CLOUD 99 VAPES

Defendants.

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

WHEREAS on July 14, 2021, plaintiff filed his complaint in the Supreme Court of the State of New York for New York County; and

WHEREAS on August 26, 2021, defendant Samsung SDI America, Inc. ("SDIA") removed the action to this Court solely on the basis of diversity jurisdiction, stating that there was diversity between SDIA, a California entity, and New York-based plaintiff, and that no non-diverse defendant had been joined and served; and

WHEREAS unbeknownst to SDIA and plaintiff, the other two defendants in this case, both of which are New York entities, had in fact been served prior to the filing of the notice of removal, although proof of service was not filed until September 13, 2021; and

WHEREAS the parties now acknowledge that complete diversity of citizenship is lacking and there is no other basis for federal jurisdiction; it is hereby

ORDERED that this case be remanded to the court from which it was removed, the Supreme Court of the State of New York for New York County.

Dated: New York, New York
September 30, 2021



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE